

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

BRUCE M. CAMPBELL, and KIM L.:  
CAMPBELL, husband and wife, :

No. 4:16-CV-00779

Plaintiffs, :

(Judge Brann)

v. :

CHARLES BALON, individually as :  
police officer of the Bloomsburg :  
Police Department; OFFICER :  
AUCHTER, individually as police :  
Officer of Bloomsburg Police :  
Department; OFFICER SZKODNY, :  
Individually as police officer of the :  
Bloomsburg Police Department; :  
ROGER VANLOAN, individually as :  
Police chief of the Bloomsburg Police :  
Department; TOWN OF :  
BLOOMSBURG; CHUMLEY'S :  
BAR AND GRILLE, LLC, and :  
CAPITOL BG LLC, d/b/a CAPITOL :  
BAR AND GRILL a/k/a CAPITOL :  
RESTAURANT AND BAR; JOHN :  
BERGER, III, MARLENE :  
BUTTERS; and JOHN GREGAS, :

Defendants. :

**ORDER**

**AND NOW**, this 6th day of July 2017, in accordance with the Memorandum  
Opinion of this same date, **IT IS HEREBY ORDERED** that:

1. Defendants Charles Balon, Officer Auchter, Officer Szkodny, Roger F. VanLoan, and Town of Bloomsburg's Motion to Dismiss the Amended Complaint (ECF No. 28) is **GRANTED in part**, and **DENIED in part**;
  - a. Count IV (Plaintiff BC's Excessive Use of Force claim against Defendant Balon) is **dismissed without prejudice**;
  - b. Count VIII (Plaintiff BC's Loss of Consortium against Defendants Balon and the Town of Bloomsburg) is **dismissed with prejudice**;
  - c. Count IX (Plaintiff BC's conspiracy claim against Defendants Balon, Szkodny, Butters, Gregas, and Capitol Bar and Grill) is **dismissed without prejudice**;
  - d. Count X (Plaintiff KC's Section 1983 claim against Defendant Balon) is **dismissed with prejudice**;
  - e. Count XI (Plaintiff KC's Loss of Consortium claim against Defendants Balon and the Town of Bloomsburg) is **dismissed with prejudice**; and
  - f. Count XII (Plaintiff KC's Section 1983 claim against Defendant Town of Bloomsburg) is **dismissed with prejudice**.
2. Defendant John Berger, III's Motion to Dismiss the Amended Complaint (ECF No. 36) is **GRANTED in part**, and **DENIED in part**;

- a. Counts XVII & XVIII (Plaintiff KC's intentional infliction of emotion distress claims against Defendants Berger and Capitol Bar and Grill) are **dismissed with prejudice**.
3. Defendant Marlene Butters's Motion to Dismiss the Amended Complaint (ECF No. 37) is **GRANTED**;
4. Defendant Jason Gregas's Motion to Dismiss the Amended Complaint (ECF No. 38) is **GRANTED**;
5. Defendant Chumley's Bar and Grille's Motion to Dismiss the Amended Complaint (ECF No. 50) is **GRANTED in part** and **DENIED in part**;
  - a. Counts XVII & XVIII (Plaintiff KC's intentional infliction of emotion distress claims against Defendants Berger and Capitol Bar and Grill) are **dismissed with prejudice**.
6. Plaintiff BC is granted leave to file an Amended Complaint within twenty-one (21) days re-asserting the dismissed excessive force claim under Section 1983 against Defendant Balon, and the dismissed civil conspiracy claim under Section 1983 against Defendants Balon, Berger, Butters, Gregas, and Capitol Bar and Grill.

BY THE COURT:

*s/ Matthew W. Brann*  
Matthew W. Brann  
United States District Judge